

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING MINUTES*

JULY 7, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

Members Present:

Ron Alvarado, Member
Anne Sheehan, Member
Maeley Tom, Member

2. REPORT OF THE EXECUTIVE OFFICER - Laura Aguilera
Interim Executive Officer, State Personnel Board

- A. The California Performance Review has completed its work. The final report will be issued shortly following the approval of the budget.
- B. The National Association of State Personnel Executives (NASPE) will hold its annual conference in Biloxi, Mississippi at the end of the month. The SPB Interim Executive Officer has been asked to moderate a panel on Human Capital at the conference. Additionally, Laura

* The State Personnel Board Summary Minutes can be obtained at the following Internet address: <http://www.spb.ca.gov/spbmeet/spbminrd>

Aguilera has been nominated to serve on the Board of Directors for the Association.

3. REPORT OF THE CHIEF COUNSEL – Karen Brandt, Senior Staff Counsel
 - A. Department of Corrections v. State Personnel Board (Nathan Lomeli) (Third District Court of Appeal No. C044387) – The Third District Court of Appeal has issued a published decision finding that the State Personnel Board has jurisdiction to determine whether a department has served an adverse action within the limitations period set forth in the Public Safety Officers Procedural Bill of Rights and that SPB properly dismissed the adverse action taken in this case.
 - B. Department of Corrections v. State Personnel Board (Micheltmore et al.) Sacramento Superior Court Case No. 03CS00921) - The Sacramento County Superior Court issued a Judgment and Order finding that it was within SPB's constitutional authority to order retroactive appointments where it is found that a promotional examination had been improperly scored.
 - C. California Department of Transportation v. State Personnel Board (Varoozh Torossian) (Los Angeles Superior Court No. BS085450) – During a hearing on June 16, 2004, the Los Angeles County Superior Court denied the California Department of Transportation's writ petition, sustaining the Board's precedential decision, which had revoked the non-punitive termination taken against appellant resulting from the failure of the INS to act within a timely manner to process his Employment Authorization Card. We are awaiting the court's final signed order in this matter.
 - D. PSC No. 03-04 – California Attorneys in State Employment (CASE)/Department of Education/McGeorge Contract Dispute – We have been notified by CASE that it intends to file a writ petition to challenge SPB's decision approving the

contract between the Department of Education and
McGeorge School of Law.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 3a. DELIBERATION TO CONSIDER THE APPOINTMENT OF
THE EXECUTIVE OFFICER [Government Code
section 1126 (a).]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 3b. Appointment of the Executive Officer

The Board voted to appoint Floyd Shimomura as Executive
Officer of the California State Personnel Board.

VOTE: Alvarado, Sheehan, Tom - Aye

4. NEW BUSINESS

No New Business

5. REPORT ON LEGISLATION – Sherry Hicks

No Report given

6. ORAL ARGUMENT
RONALD GALI, CASE NO. 03-0462A
Appeal from dismissal
Native American Spiritual leader
California State Prison – Folsom

Speakers Present:

Joe Barbara, Attorney, representing the California
Department of Corrections
Matthew Marbello, Attorney, representing appellant

CLOSED SESSION OF THE STATE PERSONNEL BOARD

7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(a), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

8. ORAL ARGUMENT
ELIZABETH HERRERA, CASE NO. 03-2220A
Appeal from medical termination
Administrative Support Coordinator I
California State University – San Jose

Speakers Present:

Donald Newman, University Counsel, Office of General
Counsel, representing California State University
Phillip Coonley, Labor Relations Representative, California
State Employees Association

CLOSED SESSION OF THE STATE PERSONNEL BOARD

9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS,
AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(a), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

10. HEARING – PROPOSED NEW AND REVISED STATE
PERSONNEL BOARD REGULATIONS AFFECTING EQUAL
OPPORTUNITY, DISCRIMINATION COMPLAINT AND
REASONABLE ACCOMMODATION POLICIES AND
PROCEDURES.

Speakers Present:

Ted Edwards, State Personnel Board; Karen Cohen,
California Department of Forestry & Fire Protection;

Deborah Zeh, California Department of Corrections; Sharon Planchon, California Department of Corrections; Lisa Fien, Board of Education; Paul Gonzalez-Coke, California State Employees Association; Telga Dicker, Employment Development Department; John Swift, Department of Justice; Alex Garza, California State Employees Association; Robin Corralejo, California Public Employees Retirement System

ACTION: Submitted

CLOSED SESSION OF THE STATE PERSONNEL BOARD

11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing.
[Government Code Sections 11126(a), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

12. HEARING – RESOLUTION TO ABOLISH TWO ELIGIBLE LISTS CREATED BY THE CALIFORNIA DEPARTMENT OF CORRECTIONS (CDC) AND TO ALLOW EXISTING APPOINTMENTS TO STAND.

Speakers Present:

Rosanne Campbell, Deputy Director, California Department of Corrections; Annice L. Porter, Correctional Captain, California Department of Corrections; Mary Sue Bautista, Staff Services Manager I, California Department of Corrections

ACTION: Adopted on July 7, 2004
VOTE: Alvarado, Sheehan, Tom – Aye

CLOSED SESSION OF THE STATE PERSONNEL BOARD

13. DELIBERATION ON APPEALS OF ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matters submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected

decisions, remanded decisions, submitted decisions, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126(a), and 18653 (2).]

14. PENDING LITIGATION

As discussion of pending litigation in open session would be prejudicial, the Board conducted closed session conferences with legal counsel and received advice as necessary regarding pending litigation as listed in the agenda. [Government Code Sections 11126(e)(1) and 18653.]

15. RECOMMENDATIONS TO THE LEGISLATURE

The Board deliberated on recommendations to the Legislature as listed in the agenda. [Government Code Section 18653.]

16. RECOMMENDATIONS TO THE GOVERNOR

The Board deliberated on recommendations to the Governor as listed in the agenda. [Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

17. DISCUSSION OF UPCOMING BOARD MEETING
SCHEDULE OF JULY 20, 2004, IN SACRAMENTO.

18.

BOARD ACTIONS

18. ADOPTION OF THE STATE PERSONNEL BOARD
SUMMARY MINUTES OF JUNE 8, 2004 AND JUNE 22,
2004.

ACTION: Adopted on July 7, 2004

VOTE: Alvarado, Sheehan, Tom – Aye

19. ACTION ON SUBMITTED ITEMS

(See Minutes Page 24)

20. EVIDENTIARY CASES

The Board's Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints. On July 7, 2004, the Board adopted by majority vote (Alvarado, Sheehan and Tom), in the cases indicated below, the following decisions presented by Karen Brandt, Senior Staff Counsel, State Personnel Board.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

DORYANNA ANDERSON-JOHNSON, CASE NO. 00-1687A

Appeal from denial of reasonable accommodation
Correctional Lieutenant
California Rehabilitation Center - Norco
Department of Corrections

ACTION: The Board adopted a decision granting appellant's appeal from denial of reasonable accommodation and awarding back salary, interest and benefits.

ANDREW CIRNER, CASE NO. 03-2241EA

Appeal from denial of request for
reasonable accommodation
Senior Psychiatric Technician
Department of Mental Health
NO ACTION

RICHARD COELHO, CASE NO. 02-1796R

Appeal from constructive medical termination

Fish and Game Warden
Department of Fish and Game
NO ACTION

SHANNON FROEMING, CASE NO. 03-2871EA
Appeal from denial of request for reasonable
accommodation
Employment Program Representative
Employment Development Department
NO ACTION

PAUL H. KEMP, Case No. 01-2841
Appeal from dismissal
Teacher Assistant - Youth Correctional
Reception Center and Clinic - Sacramento
Department of the Youth Authority
NO ACTION

JENNIFER KILL, CASE NO. 02-2164B
Appeal for determination of back salary,
benefits and interest
Supervising Cook
California Correctional Institution - Tehachapi
Department of Corrections
NO ACTION

RAY MARTINEZ, CASE NO. 03-3344
Appeal from dismissal
Correctional Officer
Substance Abuse Treatment Facility – Corcoran
Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

CHRISTOPHER MIRAMONTES, CASE NO. 03-2299
Appeal from five-percent reduction in
salary for six months
Special Agent
Department of Corrections
NO ACTION

ALICE VAN-THU, CASE NO. 03-0413
Appeal from automatic resignation
Administrative Support Coordinator I
California State University – Monterey Bay
NO ACTION

BEVERLY WILSON, CASE NO. 03-1150A
Appeal from dismissal
Administrative Support Assistant II
California State University - Carson
NO ACTION

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

RONALD GALI, CASE NO. 03-0462A
Appeal from dismissal
Native American Spiritual leader
California State Prison – Folsom
Department of Corrections
ACTION: Submitted

ELIZABETH HERRERA, CASE NO. 03-2220A
Appeal from medical termination
Administrative Support coordinator I
California State University – San Jose
ACTION: Submitted

C. CHIEF COUNSEL RESOLUTIONS

NONE

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

ROBERT HALL, CASE NO. 02-2027R

Appeal from dismissal

Correctional Officer

California State Prison – Solano

Department of Corrections

ACTION: The Board adopted a resolution modifying the dismissal to a 45-day suspension and ordering back pay, interest and benefits.

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

ISADORA ADLAWAN, CASE NO. 03-2895

Appeal for reinstatement after

automatic resignation

Administrative Analyst II

California State University - Monterey Bay

ACTION: Request for reinstatement denied.

ANN R. ABIERAS, CASE NO. 04-0531
Appeal from ten-percent reduction
in salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide case
itself.

WILLIAM ANDERSON, CASE NO. 03-3359
Appeal from constructive medical termination
Officer
California Highway Patrol
ACTION: Appeal from constructive medical
termination granted.

GREGORY BAKKER, CASE NO. 03-2953
Appeal from five-working-days suspension
and removal from specialty pay position
Officer
California Highway Patrol
ACTION: Five-working-days suspension and
removal from specialty pay position sustained.

JUDITH BISHOP, CASE NO. 03-2462E
Appeal from discrimination and
denial of reasonable accommodation
in the examination for Management Services
Technician
Department of Corrections - Sacramento
ACTION: Appeal from denial of reasonable
accommodation granted.

RONALD BORTMAN, M.D., CASE NO. 03-3022
Appeal from five-percent reduction in salary for six
months
Staff Psychiatrist (CF)
California State Prison - Crescent City
Department of Corrections
ACTION: Five-percent reduction in salary for six
months sustained.

EVELYN B. CORPUS, CASE NO. 04-0529
Appeal from ten-percent reduction in
salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services
ACTION: Administrative Law Judge's proposed
decision rejected by Board. Board to decide case
itself.

MICHAEL CORWIN, CASE NO. 03-2629
Appeal from five-working-days suspension
Psychiatric Social Worker
Department of Developmental Services
ACTION: Five-working-days suspension sustained.

LISA FRANKLIN, CASE NO. 04-0190E
Appeal from denial of discrimination complaint
Legal Secretary
Department of Industrial Relations
ACTION: Appeal dismissed. SPB has no jurisdiction.

NICHOLAS KEY, CASE NO. 04-0498
Appeal from dismissal
Correctional Officer
North Kern State Prison - Delano
Department of Corrections
ACTION: Dismissal revoked.

SCOTT MACDONALD, CASE NO. 03-3386
Appeal from five-percent reduction in
salary for three pay periods
Fire Captain A
Department of Forestry and Fire
ACTION: Five-percent reduction in salary for three
pay periods sustained.

DEBRA TUCKER, CASE NO. 04-0367
Appeal from five-working-days suspension
Public Safety Dispatcher II
California Highway Patrol

ACTION: Five-working-days suspension sustained.

- Proposed Decisions Taken Under Submission At Prior Meeting

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

JACK BRON, CASE NO. 02-3688R
Appeal from constructive Medical Termination
Youth Correctional Officer
Department of the Youth Authority
ACTION: Constructive medical termination and appeal for backpay and benefits denied in part.

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

SANDRA CADENA, CASE NO. 03-2310P
Appeal from dismissal
Personnel Supervisor II
California State Prison – Sacramento
Department of Corrections
Petition for rehearing filed by appellant denied.

STEVEN MARSHALL, CASE NO. 03-2393P
Appeal from demotion

Correctional Plant Supervisor – CF
California State Prison - Solano
Department of Corrections
Petition for rehearing filed by appellant
denied.

MONIQUE SIDAROSS, CASE NO. 03-2202P
Appeal from suspension
Transportation Engineer (Civil)
Department of Transportation
Petition for rehearing filed by appellant
denied.

VIRGIL WOODS, CASE NO. 98-2849P
Appeal from demotion
Correctional Counselor II/Specialist
California State Prison – Sacramento
Department of Corrections
Petition for rehearing filed by appellant
denied.

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

NONE

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

DONALD ATKINS, CASE NO. 03-1448P
Appeal from five-percent reduction
in salary for six months
Correctional Officer
California State Prison, San Quentin
Department of Corrections at San Quentin
NO ACTION

TIMOTHY BOBITT, CASE NO. 02-2856
Appeal from suspension
Senior Special Agent in Charge
Department of Justice at Sacramento
NO ACTION

NICHOLAS COMAITES, CASE NO. 03-0062
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND
PAUL WARD, CASE NO. 03-0332
Appeal from official reprimand
Correctional Administrator
Department of Corrections
NO ACTION

MICHELLE DAWKINS, CASE NO. 03-2755
Appeal from demotion
Fiscal Services Supervisor to Typist Clerk III
Human Services Agency, Merced County
NO ACTION

DEBRA GREENE, CASE NO. 03-0621
Appeal from non-punitive termination
Psychiatric Social Worker, Correctional Facility
Department of Corrections
NO ACTION

MARTIN HERNANDEZ, CASE NO. 02-4449P
Appeal from demotion
Correctional Sergeant
Calipatria State Prison – Imperial
Department of Corrections
NO ACTION

MARY HUTTNER, CASE NO. 02-1690
Appeal from demotion
Staff Services Manager I to the
position of Associate Health Program
Advisor (top step)
Department of Health Services
NO ACTION

CONNIE JAMES, CASE NO. 03-3136

Appeal from 15-working days'
suspension
Accounting Technician
Employment Development Department
NO ACTION

CONNIE JOHNSON, CASE NO. 03-2620
Appeal from 30 calendar days suspension
Employment Program Representative
Employment Development Department
NO ACTION

HUGO LANDEROS, CAE NO. 03-3190
Appeal from dismissal
Employment Program Representative
Employment Development Department
NO ACTION

JACQUELYN McCARVER, CASE NO. 03-0669
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center - Fallbrook
Department of Corrections
NO ACTION

MARGARET A. MEJIA, CASE NO. 03-1848
Appeal from dismissal
Psychiatric Technician (Safety)
Department of Mental Health
NO ACTION

LEIJANE OGAWA, CASE NO. 03-2943E
Appeal from discrimination
Office Assistant (General)
Department of Transportation
NO ACTION

MARYLAND PAGE, CASE NO. 03-3703
Appeal from five-percent reduction in
salary for twelve-months
Correctional Officer
Ironwood State Prison - Blythe
Department of Corrections
NO ACTION

VIRGINIA PARKER, CASE NO. 03-0325

Appeal from demotion

Correctional Lieutenant

Ironwood State Prison – Blythe

Department of Corrections

NO ACTION

KEVIN REDDINGTON, CASE NOS. 03-2646
& 03-0386P

Appeal from ten-percent reduction in salary

For six pay periods, and dismissal

Office Technician (Typing)

Department of Forestry and Fire Protection

NO ACTION

KIM RITTENHOUSE, CASE NOS. 03-3541
& 03-3542E

Appeal from denial of reasonable accommodation

And from constructive medical termination

Office Technician (General)

Department of Fish and Game

NO ACTION

PEARLIE BLEDSOE-TOWNES, CASE NO.
03-2966E

Appeal from denial of request for reasonable
Accommodation

Correctional Sergeant

Central California Women's Facility – Chowchilla

Department of Corrections

NO ACTION

DENNIS UYEDA, CASE NO. 03-2396P

Appeal from five-working-days suspension

Latent Print Analyst II

Department of Justice

NO ACTION

NANCY VALENTINO, Case No. 03-0699

Appeal from dismissal

Psychiatric Technician

Department of Developmental Services

NO ACTION

GARY WHALEY, CASE NO. 03-1420E

Appeal from discrimination
Employment Program Representative
Employment Development Department
NO ACTION

21. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Minutes Pages 26-27)

22. NON-EVIDENTIARY CASES
On July 7, 2004, the Board adopted by majority vote
(Alvarado, Sheehan and Tom) the following decisions
presented by Laura Aguilera, Interim Executive Officer,
State Personnel Board.

A. WITHHOLD APPEALS

BOYD BENNETT, CASE NO. 03-1514
Correctional Officer
Department of Corrections
ACTION: DENIED

SALVADOR CANALES, CASE NO. 03-1359
Correctional Officer
Department of Corrections
ACTION: DENIED

RICHARD COGHILL, CASE NO. 03-1521
Correctional Officer
Department of Corrections
ACTION: DENIED

KEVIN COOPER, CASE NO. 03-2286
Correctional Officer
Department of Corrections
ACTION: DENIED

GREGORY GAUB, CASE NO. 03-2172
Correctional Officer
Department of Corrections
ACTION: DENIED

ALVIN HALE, CASE NO. 03-2244

Accountant Trainee (LEAP)
State Personnel Board, Examination Services
ACTION: DENIED

ALVARO JIMENEZ, CASE NO. 03-1726
Cadet, CHP
California Highway Patrol
ACTION: DENIED

SINH LOESCHER, CASE NO. 03-2184
Youth Correctional Officer
Department of Youth Authority
ACTION: DISMISSED

RODNEY MEADOR, CASE NO. 04-0752
Psychiatric Technician
Department of Mental Health
ACTION: DISMISSED

VICTOR MIRANDA, CASE NO. 03-2247
Correctional Officer
Department of Corrections
ACTION: DENIED

MATT MONTEZ, CASE NO. 03-2257
Correctional Officer
Department of Corrections
ACTION: DENIED

FREDERICK MONTGOMERY, CASE NOS. 03-2302
& 03-2303
Warehouse Worker (DOT), and Janitor (DGS)
Department of Transportation & Department of
General Services
ACTION: DENIED

JULIO NUNEZ, CASE NO. 03-1556
Correctional Officer
Department of Corrections
ACTION: DENIED

DAVID RAPHAEL, CASE NO. 03-2159
Youth Correctional Officer

California Youth Authority
ACTION: DENIED

MARIE REED, CASE NO. 03-0925
Correctional Officer
Department of Corrections
ACTION: DENIED

ROWENA REEVES, CASE NO. 03-2214
Correctional Officer
Department of Corrections
ACTION: DENIED

BENJAMIN RODRIGUEZ, CASE NO. 03-2073
Correctional Officer
Department of Corrections
ACTION: DENIED

RUBEN SANCHEZ, CASE NO. 03-1217
Correctional Officer
Department of Corrections
ACTION: DENIED

GENICE TENNANT, CASE NO. 03-2211
Youth Correctional Officer
Department of Youth Authority
ACTION: DENIED

TINAH YEE, CASE NO. 03-2846
Criminal Intelligence Specialist I
Department of Justice
ACTION: DISMISSED

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS - NONE

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS -NONE
MERIT ISSUE COMPLAINTS – NONE

D. RULE 212 OUT-OF-CLASS APPEALS -NONE
VOIDED APPOINTMENT APPEALS -NONE
RULE 211 APPEALS -NONE

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

(RTFC Case)

DON HANSEN, CASE NO. 03-2443
Transportation Engineer (Civil)
Department of Transportation
ACTION: DENIED

F. PSYCHOLOGICAL SCREENING CASES - NONE

23. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

A. EQUIPMENT ENGINEER

The Department of Transportation (CalTRANS) and DPA propose to establish the deep class of Equipment Engineer and minor revisions to the existing class, Senior Equipment Engineer. The proposed Equipment Engineer classification will have Alternate Ranges A through C, similar to other engineering deep classes in State Services with registration as a mechanical, electrical, civil, agricultural, manufacturing or structural engineering requirement at Range D, and a 12 month probationary period. In addition, CalTRANS proposes to footnote 24 the existing class of Associate Engineer. The Senior Equipment Engineer class specification will have minor revisions updating the language utilized in the knowledge and abilities section, and the minimum qualifications will be revised to include the newly established deep class Equipment Engineer.

ACTION: Adopted on July 7, 2004

VOTE: Alvarado, Sheehan and Tom - Aye

24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY
ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) CHIEF DEPUTY DIRECTOR, OPERATIONS
The Department of Motor Vehicles is requesting to allocate the above position to the CEA category. The Chief Deputy Director, Operations assists the director in formulating and implementing policy regarding current operational matters and advising the director on efforts to ensure effective and efficient delivery of existing service.

(2) DIVISION CHIEF, CODES & STANDARDS
The Division of the State Architect is requesting to allocate the above position to the CEA category. The Division Chief, Codes and Standards is responsible for establishing design and construction policy and regulations, which includes k-12 public schools, community colleges and state essential services buildings.

(3) DIVISION CHIEF, OPERATIONS
The Division of the State Architect is requesting to allocate the above position to the CEA category. The Division Chief, Operations develops and establishes policy and guidelines governing DSA Operations programs.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

NONE

ACTION: Noted

26. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. ANNUAL CENSUS REPORT OF EMPLOYEES IN THE
STATE CIVIL SERVICE, 2002 – 2003 FISCAL YEAR.

ACTION: Noted

27. PRESENTATION OF EMERGENCY ITEMS AS
NECESSARY

NONE

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002).

NO ACTION

3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003).

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 7, 2004.

VOTE: Alvarado, Sheehan and Tom – Aye.

LAURA AGUILERA
Interim Executive Officer
California State Personnel Board